



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

January 30, 2014

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To: Supervisor Don Knabe, Chairman  
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From: William T Fujioka  
Chief Executive Officer

## SACRAMENTO UPDATE

### Executive Summary

- **Status of County-Advocacy Legislation**
  - **County-supported AB 1102 (Allen and Quirk-Silva)** - related to beach fire rings, was amended on January 17, 2014, and passed the Assembly Floor on January 27, 2014.
- **Status of Legislation of County Interest**
  - **AB 485 (Gomez)** - related to the In-Home Supportive Services Program collective bargaining and the Coordinated Care Initiative, passed the Senate Appropriations Committee on January 23, 2014;
  - **AB 1442 (Gatto)** - related to expanding provisions of the California Information Practices Act of 1977 to local governments, is awaiting a referral to a committee.
  - **SB 199 (De León)** - related to the regulation of BB guns, passed the Senate Floor on January 28, 2014.

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### **Status of County-Advocacy Legislation**

**County-supported AB 1102 (Allen and Quirk-Silva)**, which would have prohibited the South Coast Air Quality Management District (SCAQMD) from enacting a rule that prohibits a person from engaging in beach burning for recreational, ceremonial, or open burning purposes in a public coastal area marked by an accumulation of sand (i.e. prohibition on beach bonfires), and would have made a legislative finding to declare that the action is necessary due to the need to protect visitor-generated revenues that support essential programs, including public safety and parks programs within the jurisdiction of the SCAQMD, was amended on January 17, 2014.

As amended, AB 1102 would make inoperative the SCAQMD adopted open burning rule, that restricts the use or location of a beach fire ring, until a public agency with jurisdiction over the area obtains and implements an approved coastal development permit. Further, AB 1102 would: 1) require a public agency to take all of the necessary steps to ensure that a coastal development permit is obtained and that it is obtained no more than two years after the enactment of the SCAQMD's open burning rule; 2) subject the removing or restricting the use of a beach fire ring to the requirements of the California Coastal Act; 3) require the application for a coastal development permit to remove or restrict the use of a beach fire ring to include specified information; 4) find and declare that these provisions relate to an issue of Statewide concern and not a municipal affair; and 5) make legislative findings and declarations as to the necessity of a special statute for the SCAQMD. The bill states that due to the increased duties laid upon local officials with respect to having to adhere to the California Coastal Act and obtain coastal development permits, as needed, AB 1102 would impose a State-mandated local program.

The Department of Beaches and Harbors (DBH) indicates that, if AB 1102 is enacted, the bill would have an operational impact on the department, as the fire rings located at Dockweiler Beach and maintained by DBH are at times removed and replaced for maintenance and other operational purposes. The requirement to obtain a coastal development permit prior to performing these activities is a cumbersome process that could result in an administrative/operational burden on DBH as it will require staff time and resources to be redirected towards securing coastal development permits. Additionally, depending on the amount of time taken by the California Coastal Commission to issue the permit, there is a potential for significant delays in fire ring maintenance/improvement; thereby, limiting the availability of fully-functioning fire rings for public use. **This office is working with DBH to further analyze the County's support for AB 1102 and to determine whether to take a support-if-amended**

**position to seek amendments to remove the requirement that public agencies obtain a coastal development permit prior to removing fire rings that are temporarily removed for normal maintenance and/or operational purposes.**

AB 1102 passed the Assembly Floor by a vote of 68 to 0 on January 27, 2014. This measure now proceeds to the Senate.

### **Legislation of County Interest**

**AB 485 (Gomez)**, which as amended on January 17, 2014, would: 1) expand the current In-Home Supportive Services (IHSS) Statewide Authority to assume responsibility for collective bargaining with unions representing IHSS providers in all 58 counties effective January 1, 2015, instead of the eight counties currently participating in the Coordinated Care Initiative (CCI) Demonstration Project; 2) de-links the IHSS Statewide Authority from the implementation of the CCI Demonstration Project so that the Statewide Authority is permanent regardless of what happens with the CCI; 3) de-links the CCI from the existing county IHSS Maintenance of Effort (MOE) funding structure, among other provisions.

Under current law, the CCI, which is also known as the Dual Eligibles Pilot, was established under the FY 2012-13 State Budget Act in eight demonstration counties, including Los Angeles County, to coordinate the care of persons eligible for both Medi-Cal and Medicare. Individuals in these demonstration counties must enroll into a Medi-Cal managed care plan in order to receive their long-term care benefits, including IHSS. The County worked closely with the California State Association of Counties (CSAC) as part of the FY 2012-13 State Budget negotiations to ensure that counties were protected under the IHSS MOE from potential cost increases resulting from the CCI. As part of these negotiations, the FY 2012-13 State Budget Act also shifted collective bargaining responsibilities from counties to the State and established the IHSS Statewide Authority in which any wage increases negotiated by the State are the sole responsibility of the State.

Specifically, AB 485 would de-link the IHSS Statewide Authority and related provisions from the CCI Demonstration Project, thereby making these provisions permanent, even if the Director of Finance determines that the CCI will not generate targeted State General Fund (SGF) savings, and renders the CCI inoperative. In addition, under this measure, counties' IHSS MOE would remain unchanged regardless of whether the State realizes target savings in the CCI.

According to the Senate Appropriations Committee's analysis of AB 485, the fiscal impact of this measure includes potentially major ongoing costs to the SGF in the tens

to low hundreds of millions of dollars to the extent the provisions of this measure result in an increase in IHSS provider wages and health benefits with the implementation of the IHSS Statewide Authority in all 58 counties effective January 1, 2015.

The Department of Public Social Services (DPSS) indicates that under the current version of AB 485, the County's IHSS MOE would continue to remain in place and would not be impacted. Furthermore, pursuant to existing statutes, any wage increases negotiated by the State are the sole responsibility of the State, so there would not be any County fiscal impact as the County is protected under the current IHSS MOE. **This office is working with DPSS, County Counsel, CSAC and other county organizations to determine any potential impact to the County.**

AB 485 is sponsored by the American Federation of State, County, and Municipal Employees (AFSCME); California United Homecare Workers Local 4034 AFSCME/SEIU; and the United Domestic Workers/AFSCME Local 3930, among other unions. There is no known opposition on file at this time.

AB 485 passed the Senate Appropriations Committee by a vote of 5 to 1 on January 23, 2014, and now proceeds to the Senate Floor. If approved by the Senate, this measure proceeds to the Assembly for concurrence of Senate amendments.

**AB 1442 (Gatto)**, which as introduced on January 6, 2014, would expand the California Information Practices Act of 1977, which currently governs how State agencies manage personal information, to include local governments.

The California Information Practices Act of 1977 (IPA) currently governs how State government agencies manage any information that identifies or describes an individual, including requirements for the collection, maintenance, dissemination, and protection of that personal information. AB 1442 would amend the IPA to expand its governance to include local governments and agencies.

The Information Practices Act defines personal information as information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. Additionally, it includes statements made by, or attributed to, the individual. AB 1142 would require any local government agencies that use this type of personal information to follow the IPA provisions, which include requirements to:

- Maintain in its records only personal information that is relevant and necessary to accomplish the agency's purpose or as required by law;

- Collect information directly from the individual whenever possible, and maintain a record of the source of information;
- Provide a privacy notice to individuals when collecting personal information, to include the purpose for collecting the information, whether it is mandatory to provide the information, and any disclosures that will be made;
- Only disclose personal information to third parties with the individual's consent, except when required by law or under acceptable constitutional, statutory, or compulsory duties;
- With very limited exceptions, provide individuals with access to records containing their personal information, including the right to inspect records, receive copies of records, and amend records if inaccurate; and
- Take appropriate steps to safeguard personal information, including appropriate measures to govern and disclose security breaches.

In addition, the bill amends the IPA to clarify that State and local agencies shall destroy any personal information compiled after it has served its necessary purpose. The measure also requires that parents be notified when school districts gather information about their children.

In their preliminary analysis, County Counsel notes that implementation of AB 1442 in its current form would likely be cumbersome, noting that by expanding the definition of an agency to include local governments, the bill would subject the County to all the provisions of the IPA. County Counsel indicates that under the IPA's very broad definition of personal information, many, if not most, County departments and agencies that maintain and use personal information would be mandated to implement additional extensive administrative procedures and remedies, as well as be subject to civil remedies, and in some cases criminal penalties. Finally, County Counsel notes that AB 1442 would likely require the County to further review and revise various County policies addressing records retention, and information technology and security to bring those policies into conformance with the new mandates.

This bill is similar to AB 1149 (Chapter 395, Statutes of 2013), which made the portion of Information Practices Act provisions addressing disclosure of security breaches applicable to local governments.

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**This office will continue to work with County Counsel and impacted departments to determine the potential impact of AB 1442 to the County.**

AB 1442 is sponsored by the author. Currently, there is no registered support or opposition on file for this measure. AB 1442 is awaiting a referral to a committee.

**SB 199 (De León)**, which as amended on January 6, 2014, would revise the definition of a BB gun to, among other things, include those devices within the definition of an imitation firearm requiring the adoption coloration and construction schemes to set them apart from standard firearms, passed the Senate Floor by a vote of 23 to 8 on January 28, 2014. This measure now proceeds to the Assembly.

We will continue to keep you advised.

WTF:RA  
MR:VE:IGEA:ma

c: All Department Heads  
Legislative Strategist